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		KOLASCH & BIR	YODER III,	YODER III, CHRISS S	
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				2612	
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	09/654,263	HYODO ET AL.					
Office Action Summary	Examiner	Art Unit					
	Chriss S. Yoder, III	2612					
The MAILING DATE of this communicat Period for Reply		h the correspondence address					
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICA  - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communic  - If the period for reply specified above is less than thirty (30) da  - If NO period for reply specified above, the maximum statutou  - Failure to reply within the set or extended period for reply will, Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	TION. 7 CFR 1.136(a). In no event, however, may a reation. 7 yes, a reply within the statutory minimum of thirty ry period will apply and will expire SIX (6) MONT by statute, cause the application to become ABA	eply be timely filed  y (30) days will be considered timely.  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed o	n <u>05/27/2005</u> .						
2a)⊠ This action is <b>FINAL</b> . 2b)[	· ——						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4a) Of the above claim(s) <u>19-30</u> is/are w 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) <u>1-3, 5-6, 8-13, 15-18 and 31-3</u> 7) ☐ Claim(s) is/are objected to.	Claim(s) 1-38 is/are pending in the application.  4a) Of the above claim(s) 19-30 is/are withdrawn from consideration.  Claim(s) is/are allowed.  Claim(s) 1-3, 5-6, 8-13, 15-18 and 31-38 is/are rejected.						
Application Papers							
9) The specification is objected to by the Entropy The drawing(s) filed on 01 September 2.  Applicant may not request that any objection Replacement drawing sheet(s) including the 11) The oath or declaration is objected to by	000 is/are: a)⊠ accepted or b)□ n to the drawing(s) be held in abeyand e correction is required if the drawing(	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
<ul> <li>12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a)  All b)  Some * c)  None of:</li> <li>1.  Certified copies of the priority documents have been received.</li> <li>2.  Certified copies of the priority documents have been received in Application No</li> <li>3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachmant/c)							
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-3) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date	948) Paper No(s	ummary (PTO-413) s)/Mail Date uformal Patent Application (PTO-152) 					

## **DETAILED ACTION**

## Response to Arguments

Applicant's arguments with respect to claims 1-38 have been considered but are most in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 1. Claims 1-2 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176).
- 2. In regard to claim 1, note Rahman discloses the use of the use of an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range on at least one of displaying and printing (column 1, lines 31-43; and column 7, lines 9-17). Therefore, it can be seen that the Rahman device lacks the use of a recording device which records an information indicating that the acquired image data is imaged with the imaging luminance range along with the image data acquired by the imaging device. Sezan discloses the use of a recording device which records an information indicating that the acquired image data is imaged with the image

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data acquired by the imaging device (column 3, lines 53-55; and figure 2: 22; the histogram is considered to be the information indicating the luminance range). Sezan teaches that the use of a recording device which records an information indicating that the acquired image data is imaged with the imaging luminance range along with the image data acquired by the imaging device is preferred to employ a camera that is capable of quick analysis of image content (column 1, lines 44-47). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Rahman device to include the use of a recording device which records an information indicating that the acquired image data is imaged with the imaging luminance range along with the image data acquired by the imaging device as suggested by Sezan.

- 3. In regard to claim 2, note Rahman discloses that the imaging luminance range is at least two and at most six times as wide as the reproducing luminance range (column 1, lines 40-43, and column 7, lines 10-15; for example if the imaging luminance range is 10 bit/color channel it is four times as wide as the 8 bit/color channel output device because 10 bits would allow a range of 0-1023 and 8 bits would only allow a range of 0-255).
- 4. In regard to claim 32, note Sezan discloses that the recording device further records an information indicating maximum reflectance set in the camera (column 3, lines 53-55; and figure 2: 22; the maximum value of the histogram is considered to be the information indicating the maximum reflectance).

- 5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) and in further view of Tsai (US Patent # 5,309,243).
- In regard to claim 3, note the primary reference of Rahman in view of Sezan discloses an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 1 above. Therefore, it can be seen that the primary reference of Rahman in view of Sezan fails to disclose a lower than normal exposure value than a normal exposure value for desired reproducing. Tsai discloses the use of an imaging device that images a subject with lower than normal exposure values (column 2, lines 30-36). Tsai teaches that the adjustment of the image exposure values is preferred in order to compensate the image for better quality. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to image the subject with a lower than normal exposure value as suggested by Tsai.
- 7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) in further view of Bayer (US Patent # 3,971,065).
- 8. In regard to claim 13, note Rahman discloses the use of a CCD that captures the image and converts the output voltage values into digital values and records the digital values (column 6, lines 60-65). Therefore, it can be seen that the primary reference of Rahman in view of Sezan lacks the use of a filter arrangement of R, G, B and G. Bayer discloses the use of a filter arrangement of R, G, B and G (column 5, lines 54-60; and

figure 6). Bayer teaches that the use of a color filter is preferred based on the luminance detail to which the human eye is most responsive (column 5, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a filter arrangement of R, G, B and G as suggested by Bayer.

- 9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) and in further view of Lyon et al. (US Patent # 6,512,858).
- 10. In regard to claim 15, note the primary reference of Rahman in view of Sezan discloses an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 1 above. Therefore, it can be seen that the primary reference of Rahman in view of Sezan fails to disclose a mode switching device which switches between a normal imaging mode and a wide luminance range imaging mode. Lyon discloses the use of a mode selecting device that switches between different modes (column 3, lines 34-41). Lyon teaches that the use of a mode selecting device is preferred in order to allow the user to select the mode that they desire (column 3, lines 34-41). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a mode selector as suggested by Lyon.
- 11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) and in further

view of Lyon et al. (US Patent # 6,512,858) and further in view of Tsai (US Patent # 5,309,243).

12. In regard to claim 16, note the primary reference of Rahman in view of Sezan and Lyon discloses the use of an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 15 above. Therefore, it can be seen that the primary reference of Rahman in view of Sezan and Lyon fails to disclose that the subject is imaged with a normal exposure value obtained from normal photometry in the normal imaging mode, and that the subject is imaged with an exposure value lower than the normal exposure value, the exposure value being calculated according to the normal exposure value obtained by the normal photometry. Tsai discloses that the subject is imaged with a normal exposure value obtained from normal photometry in the normal imaging mode (column 2, lines 30-36), and that the subject is imaged with an exposure value lower than the normal exposure value (column 2, lines 30-36), the exposure value being calculated according to the normal exposure value obtained by the normal photometry (column 2, lines 30-36; if the image is overexposed, then the image exposure value is lowered according to the original exposure value). Tsai teaches that the adjustment of the image exposure values is preferred in order to compensate the image for better quality. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to image the subject with a normal exposure value obtained from normal photometry in the normal imaging mode, and adjust the imaged subject with an exposure value lower than the normal exposure

value, the exposure value being calculated according to the normal exposure value obtained by the normal photometry as suggested by Tsai.

- 13. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) and in further view of Nakagawa et al. (US Patent # 6,738,092).
- 14. In regard to claim 17, note the primary reference of Rahman in view of Sezan discloses an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 1 above. Therefore, it can be seen that the primary reference of Rahman in view of Sezan fails to disclose that the recording device records the image data with the same luminance range as the reproducing luminance range and records the image data with the imaging luminance range that is wider than the reproducing luminance range at one time. Nakagawa discloses the use of a recording device that stores two images of different quality at the same time (figure 5: original and thumbnail; this is the functional equivalent of the recording images of different luminance values). Nakagawa teaches that the use of lower quality images (i.e. thumbnails) associated with higher quality images is preferred in order to increase transfer speeds between the camera and external devices. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a recording device that records high quality images as well as low quality images as suggested by Nakagawa.
- 15. In regard to claim 18, note Rahman discloses the use of an the imaging device that images the subject with an exposure value of a case in which the subject is imaged

with the imaging luminance range that is wider than the reproducing luminance range (column 6, lines 60-67; the image is exposed and picks up an image with a wider luminance range than the reproducing luminance) and the recording device converts the image data acquired by the imaging device with the exposure value so that the luminance range of the image data is the same as the reproducing luminance range (column 1, lines 31-43; and column 7, lines 9-17; the image is converted from the wide range of 10-12 bits down to the reproducing range of 8 bits).

- 16. Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) in further view of Sato (US Patent # 6,650,365).
- 17. In regard to claim 31, note Rahman discloses an imaging device which images a subject so as to acquire first imaged data with a recording luminance range wider than a reproducing luminance range on at least one of displaying and printing (column 1, lines 31-43; and column 7, lines 9-17; the image is converted from the wide range of 10-12 bits down to the reproducing range of 8 bits).

Therefore, it can be seen that the Rahman device fails to disclose a recording device which records the imaged data acquired by the imaging device and luminance range information relating the recording luminance range. Sezan discloses the recording of the luminance range information with the image data (column 3, lines 53-55; and figure 2: 22; the histogram is considered to be the information indicating the luminance range). Sezan teaches that the use of a recording device which records an the luminance range information along with the image data acquired by the imaging

device is preferred to employ a camera that is capable of quick analysis of image content (column 1, lines 44-47). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Rahman device to include the use of a recording device which records an information indicating that the acquired image data is imaged with the imaging luminance range along with the image data acquired by the imaging device as suggested by Sezan.

Therefore, it can be seen that the Rahman device also fails to disclose a reading device which reads the first image data with the recording luminance range and reads the luminance range information, a signal processing device which produces, from the first image data with the recording luminance range, second image data with a luminance range required on the reproducing according to the luminance range information, and a reproducing device comprising either a display or printer that outputs the reproduced image. Sato discloses the a reading device which reads the first image data with the along with the other image information (column 4, line 40- column 5, line 11), a signal processing device which produces, from the first image data with the recording luminance range, second image data with a luminance range required on the reproducing according to the other image information (column 4, line 40- column 5, line 11), and a reproducing device comprising either a display or printer that outputs the reproduced image (figure 3: 47). Sato teaches that the use of a reading device which reads the first image data with the along with the other image information, a signal processing device which produces, from the first image data with the recording luminance range, second image data with a luminance range required on the

reproducing according to the other image information, and a reproducing device comprising either a display or printer that outputs the reproduced image is preferred in order to provide an image signal that can be subjected to optimum image correction processes using an arbitrary output device (column 1, lines 33-36). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Rahman device to include the use of a recording device which converts the image data acquired by the imaging device with a predetermined function and records the converted image data and information on the predetermined function as suggested by Sato.

18. In regard to claim 33, note the primary reference of Rahman in view of Sezan discloses an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 1 above. Therefore, it can be seen that the primary reference of Rahman in view of Sezan fails to disclose the use of the recording device that recording device which converts the image data acquired by the imaging device with a predetermined function and records the converted image data and information on the predetermined function. Sato discloses the use of a recording device which converts the image data acquired by the imaging device with a predetermined function and records the converted image data and information on the predetermined function (column 3, lines 23-41; and figure 2). Sato teaches that the use of a recording device which converts the image data acquired by the imaging device with a predetermined function and records the converted image data and information on the predetermined function is preferred in order to provide an image signal that can be subjected to optimum image correction processes using an

arbitrary output device (column 1, lines 33-36). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a recording device which converts the image data acquired by the imaging device with a predetermined function and records the converted image data and information on the predetermined function as suggested by Sato.

- 19. Claims 10-12, 34-35, 5-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) in further view of Sato (US Patent # 6,650,365) and in further view of Kim (US Patent # 5,710,594).
- 20. In regard to claim 10, note the primary reference of Rahman in view of Sezan and Sato discloses an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 33 above, and Sato discloses the storage of a coefficient that represents the relationship between the image data and the data to be stored (figure 2; i.e. the correction coefficient for gamma correction). Therefore, it can be seen that the primary reference of Rahman in view of Sezan and Sato fails to disclose the use of a recording device that represents a relationship between the image data and a digital value to be recorded while dividing the relationship into an area where the relationship is represented by a logarithmic function and an area where the relationship is represented by a linear function, and records a coefficient of the logarithmic function and a coefficient of the linear function with the image data. Kim discloses the use of a linear and a logarithmic function for gamma correction that are used simultaneously to

correct the image (figure 1: 14 and 16; the gamma correction coefficient that is stored in Sato is considered to be the equivalent of the first-order coefficient, therefore, for the Sato device to recall the function information of the Kim device, one coefficient for each of the linear and logarithmic functions are stored). Kim teaches that the use of both linear and logarithmic functions is preferred in order to optimally correct the image data. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a linear and a logarithmic function to represent the relation between the image data and the data to be recorded as suggested by Kim.

- 21. In regard to claim 11, note Sato discloses that the recording device records the coefficients as attached information for the image data in the same image file as the image data (column 3, lines 54-65; and figure 2).
- 22. In regard to claim 12, note Sato discloses that the recording device records the image file in one of a directory and a holder provided for each form of conversion (column 3, lines 54-65; and figure 2; each function has a holder that stores the value for its function).
- 23. In regard to claim 34, note Sato discloses the use of an imaging device with a recording device that records the coefficient of a function that performs correction (figure 2; i.e. the correction coefficient for gamma correction). Therefore, it can be seen that the primary reference fails to disclose the use of a recording device using a linear function to represent the relation between the image data and a digital value to be recorded. Kim discloses the use of a linear function for correction (column 1, lines 54-55; and figure 1: 14; the gamma correction coefficient that is stored in Sato is

considered to be the equivalent of the first-order coefficient). Kim teaches that the use of a linear function is preferred in order to optimally correct the image data to that the output maintains a linear relationship (column 1, lines 30-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a linear function to represent the relation between the image data and the data to be recorded as suggested by Kim.

- 24. In regard to claim 5, note Sato discloses that the recording device records the coefficient as attached information for the image data in the same image file as the image data (column 3, lines 54-65; and figure 2).
- 25. In regard to claim 6, note Sato discloses that the recording device records the image file in one of a directory and a holder provided for each form of conversion (column 3, lines 54-65; and figure 2; each function has a holder that stores the value for its function).
- 26. In regard to claim 35, note Sato discloses the use of an imaging device with a recording device that records the coefficient of a function that performs correction (figure 2; i.e. the correction coefficient for gamma correction). Therefore, it can be seen that the primary reference fails to disclose the use of a recording device using a logarithmic function to represent the relation between the image data and a digital value to be recorded. Kim discloses the use of a logarithmic function for correction (column 1, lines 54-55; and figure 1: 14; the gamma correction coefficient that is stored in Sato is considered to be the equivalent of the first-order coefficient). Kim teaches that the use of a logarithmic function is preferred in order to optimally correct the image data to that

the output maintains a linear relationship (column 1, lines 30-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a logarithmic function to represent the relation between the image data and the data to be recorded as suggested by Kim.

- 27. In regard to claim 8, note Sato discloses that the recording device records the coefficient as attached information for the image data in the same image file as the image data (column 3, lines 54-65; and figure 2).
- 28. In regard to claim 9, note Sato discloses that the recording device records the image file in one of a directory and a holder provided for each form of conversion (column 3, lines 54-65; and figure 2; each function has a holder that stores the value for its function).
- 29. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Sezan (US Patent # 6,845,176) and in further view of Lyon et al. (US Patent # 6,512,858), and further in view of Yamagami (US Patent # 6,522,830).
- 30. In regard to claim 36, note the primary reference of Rahman in view of Sezan, Sato and Lyon discloses an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range as claimed in claim 15 above. Therefore, it can be seen that the primary reference of Rahman in view of Sezan, Sato and Lyon fails to disclose the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode. Yamagami discloses the use of a recording device

that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode (column 11, lines 50-55). Yamagami teaches that the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode is preferred in order to distinguish the types of image without changing the filenames (column 11, lines 50-55). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode as suggested by Yamagami.

- 31. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (US Patent # 5,991,456) in view of Lyon et al. (US Patent # 6,512,858) and further in view of Yamagami (US Patent # 6,522,830).
- 32. In regard to claim 37, note Rahman discloses the use of the use of an imaging device which images a subject so as to acquire image data with an imaging luminance range wider than a reproducing luminance range on at least one of displaying and printing (column 1, lines 31-43; and column 7, lines 9-17).

Therefore, it can be seen that Rahman fails to disclose a mode switching device which switches between a normal imaging mode and a wide luminance range imaging mode. Lyon discloses the use of a mode selecting device that switches between different modes (column 3, lines 34-41). Lyon teaches that the use of a mode selecting device is preferred in order to allow the user to select the mode that they desire (column 3, lines 34-41). Therefore, it would have been obvious to one of ordinary skill in the art

to modify the Rahman device to include the use of a mode selector as suggested by Lyon.

Therefore, it can be seen that Rahman fails to disclose the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode. Yamagami discloses the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode (column 11, lines 50-55). Yamagami teaches that the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode is preferred in order to distinguish the types of image without changing the filenames (column 11, lines 50-55). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Rahman device to include the use of a recording device that records the image data acquired by the imaging device into a directory or folder corresponding to the imaging mode as suggested by Yamagami.

33. In regard to claim 38, note Lyon discloses the use of a mode switching device that switches between two modes (column 3, lines 34-41).

## Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY August 15, 2005

